



# LAND USE SERVICES DEPARTMENT

## CURRENT PLANNING DIVISION

### PLANNING COMMISSION STAFF REPORT

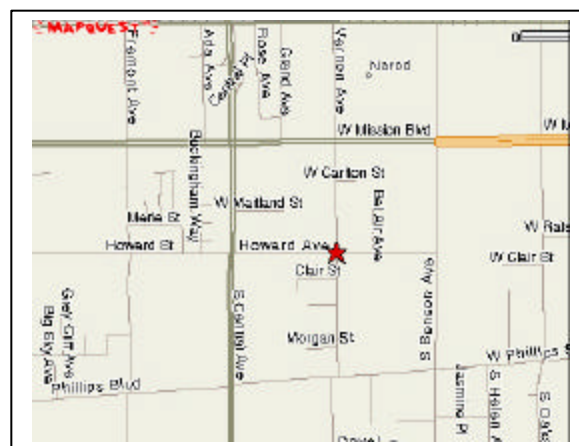


HEARING DATE: March 18, 2004

AGENDA ITEM NO: 3

#### Project Description

**APN:** 1011-451-02  
**APPLICANT:** TAN, EDUARDO  
**PROPOSAL:** A) GENERAL PLAN AMENDMENT FROM RS-20M TO RS.  
 B) TENTATIVE PARCEL MAP 16511 TO CREATE 4 LOTS ON 1.05 ACRES  
**COMMUNITY:** MONTCLAIR/ 4TH SUPERVISORIAL DIST.  
**LOCATION:** NORTHWEST CORNER OF VERNON AVE. & HOWARD AVE.  
**JCS/INDEX:** 12050CF1/W54-111/2004/TPM16511/TPM01  
**STAFF:** Tina Twing  
**REP('S):** CALILAND ENGINEERING (YOON LAI)



46 Hearing Notices Sent: 3/5/2004

P.C. Field Inspection Date: 3/1/2004

Report Prepared By: Tina Twing, Senior Associate

By: Commissioner Dowling

#### **SITE DESCRIPTION**

Parcel Size: 1.05 acres

Terrain: Gentle Sloping

Vegetation: Introduced landscaping, grasses, weeds

#### **SURROUNDING LAND DESCRIPTION**

AREA	EXISTING LAND USE	LAND USE/OVERLAY DISTRICT	IL
Site	Single Family Residence with garage/sheds	RS-20M	1
North	Applegate Tract 16215	RS	1
East	Elementary school, Single Family Residences	RS-20M	1
South	Single Family Residences	RS-20M	1
West	Single Family Residences	RS-20M	1

#### **AGENCY**

#### **COMMENT**

City of Sphere of Influence:

City of Montclair supports approval with conditions

Water Service:

Monte Vista Water District Will Serve

Septic/**Sewer Service:**

City of Montclair Will Serve

**STAFF RECOMMENDATION: APPROVAL, SUBJECT TO THE RECOMMENDED CONDITIONS OF APPROVAL**

In accordance with Section 83.010605 of the Development Code, this action may be appealed to the Board of Supervisors, if the Planning Commission recommends denial.

The applicant is requesting approval of a General Plan Land Use District Amendment from Single Residential – 20,000 square foot minimum parcel size (RS-20M) to Single Residential (RS) on a 1.05-acre parcel in the unincorporated Sphere of Influence of Montclair. Concurrently filed with the General Plan Amendment (GPA) is a Tentative Parcel Map (TPM 16511) to create four (4) 10,000 square foot parcels on the 1.05-acre site. The applicant will be an owner/builder and plans to construct four, two-story residences, each containing 2,900 square feet. Two of the parcels will front on Howard Street and two will front on Vernon Avenue.

#### **BACKGROUND:**

The one-acre site is improved with a single-family residence, garage and three sheds. The previous owner kept horses on the site. These structures are proposed to be demolished.

In 2002, the Applegate tract (Tract 16215) was approved to the north of the subject site. A GPA was approved for that tract, changing the designation from RS-20M to RS. The Applegate subdivision was approved with 10,000 square foot minimum lot sizes. To be consistent with the development to the north, the applicant is proposing parcel sizes ranging from 10,500 to 11,000 square feet.

The project site is in the City of Montclair's Sphere of Influence. The applicant has been working with the City to design a project that would be acceptable to the City. This was necessary since the project must be connected to the City's sanitary sewer system. The site lies within an area of septic system prohibition adopted by the Regional Water Quality Control Board. This prohibition limits the use of septic systems to lots one-half acre or greater in size.

#### **ANALYSIS:**

##### General Plan Amendment

The project site is already in Infrastructure Improvement Level One (IL-1), the most urban infrastructure level, intended for lots less than ½ acre in size. Thus, there will be no need to amend the infrastructure overlay. The project is an infill development that will be served by existing public services and utilities. This Amendment would be a logical extension of the land use district to the north. The area is in transition from rural residential to urban land uses. The ability to connect this subdivision to the public sanitary sewer constitutes a net environmental benefit. The amendment is consistent with the goals and policies of the General Plan as outlined in the findings.

##### Tentative Parcel Map

The proposed subdivision has been redesigned to meet the standards of the City of Montclair. It will add to the existing housing stock in the area. The Applegate Tract was required to solve most of the drainage concerns of the area. To address any remaining drainage concerns affecting this site, a hydrology study has been required by the Public Works Department/Land Development Division.

In order to match the existing perimeter walls on the Applegate tract, the City of Montclair is requesting a 7'6" high decorative masonry wall with 8' high intermediate columns along the Vernon Avenue (street side) property line of parcel 2. County Development Code standards limit walls within street side yards to a maximum of 4 feet in height. (The wall will be stepped down as it approaches the front yard setback for parcel 2.) Implementation of the City's requirement will require the applicant to place the wall at the 15-foot building setback line along Vernon Avenue. This will eliminate the need for a variance. The City of Montclair supports the staff recommendation for approval, provided the project adheres to City development standards. The applicant has agreed to comply with those standards.

Only one property owner responded to the project notice. She owns the 0.9-acre parcel directly to the west and keeps horses on the rear (northern) portion of her property. Her concern was whether the construction of new homes on the site would create a problem with the distance requirement from habitable structures to her animal enclosures. The Development Code requires a 70-foot separation from animal enclosures to any habitable structure. The rear yards of Parcels 3 and 4 have abut the area where the horses are kept. The house proposed for Parcel 3 is to be set back 70 feet from the west property line. However, in order to meet the 25-foot front setback requirement, the house on Parcel 4 has been placed so that the rear of the house is 50 feet from the west property line. Since the neighbor's enclosures predate the new homes that will be built, the animal enclosures will become a legal, non-conforming use for the time that horses continue to be kept on this site (APN 1011-451-03). The developer will be required to notify purchasers of the legal, non-conforming status of the animal enclosures. A condition has been added for parcels 3 & 4 to prohibit the construction of any habitable structure in the rear yards as long as large, domesticated animals are kept on that site.

An independent Initial Study in compliance with the California Environmental Quality Act (CEQA) has been completed for the project that determined the proposal will not have any adverse impacts after implementation of appropriate Conditions of Approval. Therefore, a Negative Declaration is recommended. The intent to adopt a Negative Declaration was advertised to the public on February 15, 2004.

#### **FINDINGS: GENERAL PLAN AMENDMENT W54-111/2004**

1. The proposed land use district change is in the public interest, there will be a community benefit and other existing and permitted uses will not be compromised because the district change recognizes an area in transition from rural to urban uses and can be considered an urban in-fill project with all utilities existing and available. The project will increase the housing stock in the area, and the project will be connected to the public sanitary sewer system, rather than utilizing septic systems.

2. The Infrastructure Improvement Level is IL-1 which permits lot sizes less than one-half acre in size, thus, the reduction in lot size from 20,000 square feet to 7,200 square feet is consistent with the minimum lot size of the existing improvement level. The General Plan Amendment is consistent with the goals and policies of the General Plan, as follows:

Goal D-43 – that encourages a compatible and harmonious arrangement of land uses in urban areas by providing a type and mix of functionally well integrated land uses that meet general social and economic needs.

Goal D-48 – that encourages the distribution of land uses in such a way as to minimize the demand for energy consumption and maximize the effectiveness of energy consumed.

Goal –D54 – that encourages future growth in areas where infrastructure facilities and public services exist or can easily, be provided or acquired and where other desired attributes of the land, such as open space, watershed areas and scenic resources, will not be adversely impacted.

Policy LU-7h – which requires that general plan amendments be consistent with the Infrastructure Improvement Levels designated for the subject sites.

3. The proposed land use district change does not conflict with the provisions of the County Development Code, or any applicable planning area, as the subject site is already designated under Infrastructure Improvement Level 1 which is reserved for higher density single family residences on lot sizes less than one-half acre, so there is no need for a change in improvement level. The project has been designed to

exceed the minimum requirements of the RS district because no parcel will be less than 10,000 square feet in area. In order to match the existing wall on the Applegate Subdivision to the north, the City of Montclair is requesting that the wall be 7'6" in height with intermediate 8' high columns. The project, as conditioned, is subject to all requirements that can be incorporated into the conditions of approval for Valley infrastructure level one improvements.

4. The proposed land use district change will not have a substantial adverse effect on surrounding property, as there is adequate area to comply with development standards.
5. An independent Initial Study in compliance with the California Environmental Quality Act (CEQA) has been completed for the project that determined the proposal will not have any adverse impacts after implementation of appropriate Conditions of Approval. Therefore, a Negative Declaration is recommended. The intent to adopt a Negative Declaration was advertised to the public on February 15, 2004.

#### **FINDINGS: TENTATIVE PARCEL MAP 16511**

1. The proposed subdivision together with the provisions for its design and improvements is consistent with the San Bernardino County General Plan because the design and improvements conform to the provisions of the Single Family Residential land use district including the location criteria. The proposed 10,000+ square foot parcels fall below density standards for the RS District. The General Plan Amendment that has been filed concurrently with the Tentative Parcel Map, if approved, will amend the General Plan from RS-20M to RS, reducing the minimum lot size from 20,000 square feet to 7,200 square feet. The Board must adopt this amendment before full compliance with the General Plan can be achieved. The project is consistent with General Plan goals and policies as follows:

Policy LU-2 – that requires the design and siting of new residential development that meets locational and development standards that ensure compatibility with adjacent land use and community character and encourages the fostering of a variety of housing types and densities and more efficient use of the land;

Policy LU-9 – that requires that new development be coordinated with cities' spheres of influence and encourages the consideration of the nature and intensity of the development and consistency with the cities' pre-zoning in their spheres of influence.

Policy LU-11 –that encourages the promotion of urban infill projects to allow a more efficient use of existing infrastructure and decrease the need for extension of new services.

3. The site is physically suitable for the proposed type and density of development, as the land is adequate in size, shape and topography to accommodate the proposed land use, setbacks, walls, fences and other requirements.
4. The proposed subdivision design and improvements are not likely to cause substantial and environmental damage or substantial and avoidable injury to fish or wildlife or their habitat because the site does not contain any suitable habitat for fish or wildlife.
5. The design of the subdivision and any related type of proposed improvements are not likely to cause serious public health problems or cause threat to life and property from a conflagration, because the design and density proposed are such that hazards from flood, fire, noise and other potential public health hazards are minimized.
6. The design of the subdivision and improvements associated with it will not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.

7. The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities.
8. The proposed subdivision, its design, density, and type of development and improvements conform to the regulations of the Development Code and the regulations of any public agency having jurisdiction by law. The General Plan Amendment that has been filed concurrently with the Tentative Parcel Map, if approved, will amend the General Plan from RS-20M to RS, reducing the minimum lot size from 20,000 square feet to 7,200 square feet. The Board must adopt this amendment before this project can be considered consistent with the density limitations of the Development Code for this site. NOTE: The parcel sizes will be 10,000+ square feet in size.
9. An independent Initial Study in compliance with the California Environmental Quality Act (CEQA) has been completed for the project that determined the proposal will not have any adverse impacts after implementation of appropriate Conditions of Approval. Therefore, a Negative Declaration is recommended. The intent to adopt a Negative Declaration was advertised to the public on February 15, 2004.

**RECOMMENDATION:** *That the Planning Commission recommend to the Board of Supervisors that they*

- A) **ADOPT** the Negative Declaration;
- B) **ADOPT** General Plan Amendment W54-111/2004 to amend the Land Use District Map for this site from RS-20M (Single Residential, 20,000 square foot minimum lot size) to RS (Single Residential – 7,200 square foot minimum lot size) on 1.05 acres.
- C) **APPROVE** Tentative Parcel Map 16511 to create 4 parcels on 1.05 acres, subject to the recommended conditions of approval;
- D) **ADOPT** the Findings contained in the staff report; and
- E) **FILE** a Notice of Determination.

Attachments: Exhibit A: Assessor Page  
Exhibit B: Official Land Use Map  
Exhibit C: Proposed General Plan Land Use Map  
Exhibit D: Tentative Parcel Map  
Exhibit E: Conditions of Approval  
Exhibit F: Environmental Initial Study  
Exhibit G: Letter dated 3/1/04, from City of Montclair (Not Available Electronically)  
Exhibit H: Photographs of site and surrounding areas